

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TEXAS HEALTH AND HUMAN SERVICES)
COMMISSION,)

Plaintiff,)

v.)

UNITED STATES OF AMERICA, *et al.*,)

Defendants.)

Civil Action No. 3:15-cv-3851 (DCG)

**FEDERAL DEFENDANTS' MOTION TO DISMISS
COUNTS I AND II OF THE AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), the Federal Defendants (the United States of America; the United States Department of State; John Kerry, in his official capacity as Secretary of State; the United States Department of Health and Human Services ("HHS"); Sylvia Burwell, in her official capacity as Secretary of HHS; HHS's Office of Refugee Resettlement; and Robert Carey, in his official capacity as Director of the Office of Refugee Resettlement) hereby move to dismiss Counts I and II of the Amended Complaint. The grounds for this motion are set forth in the accompanying memorandum.

Dated: March 7, 2016

Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

JOHN R. PARKER
United States Attorney

JOSEPH H. HUNT
Director

SHEILA M. LIEBER
Deputy Director

ANTHONY J. COPPOLINO
Deputy Director

JAMES J. GILLIGAN
Special Litigation Counsel

/s/ Stuart J. Robinson

MICHELLE R. BENNETT
STUART J. ROBINSON
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue N.W.
Washington, D.C. 20530
Tel: (202) 514-9239
Fax: (202) 616-8470
Email: stuart.j.robinson@usdoj.gov

Attorneys for the Federal Defendants

CERTIFICATE OF SERVICE

I certify that on March 7, 2016, I caused to be filed electronically the foregoing motion with the Clerk of Court using the Court's CM/ECF system, which sends a Notice of Electronic Filing to counsel of record.

/s/ Stuart J. Robinson
Stuart J. Robinson